



Journal of the Senate

State of Indiana

116th General Assembly

First Regular Session

Tenth Meeting Day

Monday Afternoon

January 26, 2009

The Senate convened at 1:36 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

The Pledge of Allegiance to the Flag was led by Senator Holdman.

The Chair ordered the roll of the Senate to be called. Those present were:

| | |
|--|----------|
| Alting | Long |
| Arnold | Lubbers |
| Becker | Merritt |
| Boots | Miller |
| Bray | Mishler |
| Breaux <input checked="" type="checkbox"/> | Mrvan |
| Brodén | Nugent |
| Buck | Paul |
| Charbonneau | Randolph |
| Deig | Rogers |
| Delph | Simpson |
| Dillon | Sipes |
| Errington | Skinner |
| Gard | Steele |
| Head | Stutzman |
| Hershman | Tallian |
| Holdman | Taylor |
| Hume | Walker |
| Kenley | Waltz |
| Kruse | Waterman |
| Lanane | Wyss |
| Landske | Yoder |
| Lawson | M. Young |
| Leising | R. Young |
| Lewis | Zakas |

Roll Call 10: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 16

Senate Resolution 16, introduced by Senator Zakas:

A SENATE RESOLUTION urging the Legislative Council to assign to the Commission on State Tax and Financing Policy the topic of determining whether Indiana's inheritance tax results in an economic disadvantage to Indiana relative to other states.

Whereas, Most states do not impose an inheritance tax;

Whereas, When facing the prospect of an inheritance tax, individuals and businesses may consider relocating to other states that do not have inheritance taxes;

Whereas, Indiana's inheritance tax may burden families and businesses making it more difficult to pass on assets to a family's next generation and hinder doing business within our state;

Whereas, The imposition of Indiana's inheritance tax may dampen employment growth and possibly cause lay offs; and

Whereas, There is a need to determine whether Indiana is suffering economically due to the existence of its inheritance tax: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to require the Commission on State Tax and Financing Policy to determine whether Indiana's inheritance tax results in an economic disadvantage to Indiana relative to other states.

SECTION 2. That the Commission on State Tax and Financing Policy, if directed to study the issue and make the determination set forth in SECTION 1, shall operate under the direction of the Legislative Council and shall issue a final report on its findings when directed by the council to do so.

The resolution was read in full and referred to the Committee on Tax and Fiscal Policy.

Senate Resolution 17

Senate Resolution 17, introduced by Senator Leising:

A SENATE RESOLUTION urging the Indiana Department of Transportation to name part of Interstate Highway 74 near mile marker 144 in Decatur County after Indiana State Trooper Andrew P. Winzenread.

Whereas, Indiana State Trooper Andrew P. Winzenread was killed in the line of duty while trying to assist a stranded motorist;

Whereas, Trooper Winzenread could have called for additional service, but chose to help the motorist himself;

Whereas, As Trooper Winzenread was returning to the stranded vehicle, he was struck by a semi-trailer truck that passed too closely. Trooper Winzenread died at the scene;

Whereas, Trooper Winzenread served as a State Trooper from December 4, 1994 until the time of his death on April 25, 1997. He was twenty-six years old;

Whereas, Trooper Winzenread's actions displayed his willingness to go the extra mile and to help people whenever he had the opportunity; and

Whereas, Trooper Winzenread was a shining example of all the good qualities exhibited by Indiana State Troopers, and he truly lived by the guiding values of the Indiana State Police - integrity, service, and professionalism: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate recognizes the great sacrifice made by State Trooper Andrew P. Winzenread and his family and expresses its appreciation and deepest condolences to his family.

SECTION 2. That the Indiana Senate urges the Indiana Department of Transportation to name part of Interstate Highway 74 near mile marker 144 in Decatur County in honor of Indiana State Trooper Andrew P. Winzenread.

SECTION 3. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Trooper Winzenread's wife, Cindy Winzenread, his daughter Taylor Winzenread, his mother Sharon Winzenread, and the Commissioner of the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 424, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 7, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 260, has had the same under consideration and begs

leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 285.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Tallian be added as third author of Senate Bill 460.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 232.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be removed as coauthor of Senate Bill 126.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as third author of Senate Bill 126.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 361.

STUTZMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 126.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 529.

STUTZMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 360.

STUTZMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 492.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 222.

ARNOLD

Motion prevailed.

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 8**

Senate Concurrent Resolution 8, introduced by Senator Randolph:

A CONCURRENT RESOLUTION to congratulate Barack Obama for his election to the Presidency of the United States of America

Whereas, President-elect Barack Obama is the first African-American nominated by the Democratic Party for the President of the United States of America;

Whereas, President-elect Barack Obama's campaign energized citizens and resulted in a record number of new registered voters; and

Whereas, President-elect Barack Obama is the first African American elected to the Presidency of the United States of America.

Whereas, President-elect Barack Obama will be sworn in on January 20, 2009 as the Forty-fourth President of the United States of America.

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana State Senate congratulates President-elect Barack Obama on his record campaign and election as the Forty-fourth President of the United States of America.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to President-elect Barack Obama and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Pryor.

SENATE MOTION

Madam President: I move that Senator Randolph be removed as second author of Senate Bill 41.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 41.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be removed as coauthor of Senate Bill 41.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as second author of Senate Bill 41.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be removed as coauthor of Senate Bill 322.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as third author of Senate Bill 322.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be removed

as second author of Senate Bill 173.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 173.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 173.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be removed as coauthor of Engrossed Senate Bill 43.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as third author of Engrossed Senate Bill 43.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author and Senator Sipes be added as third author of Senate Bill 219.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author and Senator Sipes be added as third author of Senate Bill 194.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as author of Senate Bill 580 and that Senator Kruse be substituted therefor.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 580.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author of Senate Bill 523.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as third author of and Senator Rogers be added as coauthor Senate Bill 228.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Senate Bill 221.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be removed as coauthor of Senate Bill 225.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as third author of Senate Bill 225.

LUBBERS

Motion prevailed.

SENATE BILLS ON SECOND READING

Senate Bill 13

Senator Kenley called up Senate Bill 13 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 41

Senator Arnold called up Senate Bill 41 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 126

Senator Waltz called up Senate Bill 126 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 126-1)

Madam President: I move that Senate Bill 126 be amended to read as follows:

Page 2, line 22, after "and" insert "**accredited**".

Page 2, line 26, before "nonpublic" insert "**an accredited**".
(Reference is to SB 126 as printed January 16, 2009.)

WALTZ

Motion prevailed. The bill was ordered engrossed.

Senate Bill 173

Senator Arnold called up Senate Bill 173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 194

Senator Miller called up Senate Bill 194 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 219

Senator Miller called up Senate Bill 219 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 225

Senator Lubbers called up Senate Bill 225 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 228

Senator Lubbers called up Senate Bill 228 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 269

Senator Arnold called up Senate Bill 269 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 269-1)

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 2, line 18, after "designee" insert "**of the same political party as the voting member**".

Page 3, line 13, after "designee" insert "**of the same political party as the committee member**".

(Reference is to SB 269 as printed January 21, 2009.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 285

Senator Holdman called up Senate Bill 285 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 307

Senator Miller called up Senate Bill 307 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 322

Senator Charbonneau called up Senate Bill 322 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 27

Senator Lubbers called up Engrossed Senate Bill 27 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 11: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Porter and Behning.

Engrossed Senate Bill 43

Senator Zakas called up Engrossed Senate Bill 43 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 12: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Van Haaften and Foley.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 11

Senate Concurrent Resolution 11, introduced by Senators Skinner, Lubbers, and Bray:

A CONCURRENT RESOLUTION honoring Rose-Hulman Institute of Technology on being selected the nation's number one undergraduate engineering college for ten consecutive years.

Whereas, In 1874, Chauncey Rose and nine partners established a charter for a college for engineers in Terre Haute under the name of The Terre Haute School of Industrial Science;

Whereas, The school incorporated in 1875 under the name Rose Polytechnic Institute and began construction of a building on the corner of Thirteenth and Locust streets in Terre Haute;

Whereas, The school opened its doors to students on March 7, 1883. Within twenty years, the school's enrollment grew to more than 200 students;

Whereas, In 1922, the school, having outgrown its original building, began construction of a new campus located on grounds east of Terre Haute donated to the school by the Hulman family;

Whereas, In recognition of the Hulman family's continuous philanthropic efforts on behalf of the school, in 1971, the name of the college was changed to the Rose-Hulman Institute of Technology;

Whereas, The school, throughout its existence, has devoted its energies to the technical, moral, cultural and physical education of its students, with an emphasis on excellence, impact and leadership;

Whereas, The quality of Rose-Hulman's work has been recognized by being selected as the nation's number one undergraduate engineering college for ten consecutive years;

Whereas, Rose-Hulman graduates have provided engineering innovation, leadership and business success that has changed the world; and

Whereas, Rose-Hulman continues to provide an active resource to the state of Indiana in education and economic development: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors Rose-Hulman Institute of Technology on being selected as the nation's number one undergraduate engineering college for 10 consecutive years.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Gerald S. Jakubowski, President of Rose-Hulman Institute of Technology and Robert E. Bright, Chairman of Rose-Hulman Board of Trustees.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Kersey.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 98

Senator Lawson called up Engrossed Senate Bill 98 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 13: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives C. Brown and Noe.

Engrossed Senate Bill 122

Senator Bray called up Engrossed Senate Bill 122 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 14: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Richardson.

Engrossed Senate Bill 251

Senator Wyss called up Engrossed Senate Bill 251 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 15: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tincher and Ruppel.

Engrossed Senate Bill 276

Senator Head called up Engrossed Senate Bill 276 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 16: yeas 40, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Friend and Herrell.

SENATE MOTION

Madam President: I move that Senator Buck be added as

coauthor of Engrossed Senate Bill 8.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 126.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 39.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Engrossed Senate Bill 307.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as second author and Senator Sipes be added as third author of Senate Bill 14.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be removed as third author of Senate Bill 39.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as third author, Senators Lubbers and Miller be added as coauthors of Senate Bill 39.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be removed as coauthor of Senate Bill 448.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as third author of Senate Bill 448.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 47.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Senate Bill 340.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 283.

ERRINGTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Deig, Delph, Dillon, Errington, Gard, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Lewis, Long, Lubbers, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Rogers, Simpson, Sipes, Skinner, Steele, Stutzman, Tallian, Taylor, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 8.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be removed as second author of Senate Bill 222.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Randolph be added as coauthor of Senate Bill 222.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 54.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as third author of Senate Bill 54.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 236.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 276.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 237.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author and Senator Deig be added as coauthor of Senate Bill 414.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 27, 2009.

LONG

Motion prevailed.

The Senate adjourned at 3:14 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate